



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

JAN 14 2011

REPLY TO THE ATTENTION OF:

AE-17J

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Tom McGlade, President & CEO
Rubschlager Baking Corporation
3220 West Grand Avenue
Chicago, Illinois

Re: Notice of Violation
Rubschlager Baking Corporation
Chicago, Illinois

Dear Mr. McGlade:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation (NOV) to Rubschlager Baking Corporation (Rubschlager). The NOV is being issued under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. § 7413(a)(1). We find that you are violating the terms of the Illinois State Implementation Plan (SIP) at your Chicago, Illinois facility.

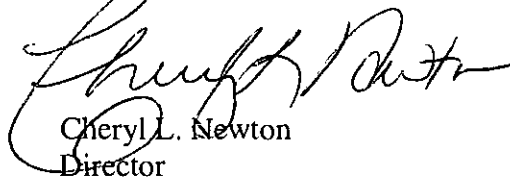
We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you the opportunity to present information on the specific findings of violation, the efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The technical contact in this matter is Joseph Ulfig. You may call him at (312) 353-8205 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any

conference within 30 calendar days of your receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Cheryl L. Newton", is written over the printed name and title.

Cheryl L. Newton
Director

Air and Radiation Division

Enclosure

cc: Ray Pilapil, Manager
Compliance and Systems Management Section
Illinois Environmental Protection Agency

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	NOTICE OF VIOLATION
)	
Rubschlager Baking Corporation)	EPA-5-11-IL-06
Chicago, Illinois)	
)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. § 7401 <u>et seq.</u>)	

NOTICE OF VIOLATION

The Administrator of the United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation (NOV) under Section 113(a)(1) of the Clean Air Act (CAA), 42 U.S.C. § 7413(a)(1). U.S. EPA finds that Rubschlager Baking Corporation (Rubschlager) in Chicago, Illinois, is violating the Illinois State Implementation Plan (SIP) as follows:

Regulatory Authority

1. Section 113(a)(1) of the CAA, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan or permit.
2. Section 110 of the CAA, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary NAAQS in the state. Upon approval by EPA, the plan becomes part of the applicable State Implementation Plan (SIP) for the state.
3. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, U.S. EPA approved the Illinois Pollution Control Board (IPCB) Rule 101¹ as part of the federally enforceable SIP on May 31, 1972. 37 Fed. Reg. 10842.
4. Pursuant to Section 110 of the CAA, 42 U.S.C. § 7410, U.S. EPA approved IPCB Rule 103 as part of the federally enforceable Illinois SIP on May 31, 1972. 37 Fed. Reg. 10842.

¹ The relevant EPA approved Illinois SIP provisions were codified and renumbered as follows: Rule 101 is found at 35 Illinois Administrative Code (IAC) § 201.102; Rule 103(a)(1) is found at 35 IAC § 201.142; and Rule 103(b)(1) is found at 35 IAC § 201.143. The current IAC citations hereinafter appear in brackets following each reference to the Illinois SIP in this NOV.

5. IPCB Rule 103(a)(1) [35 IAC § 201.142] states that no person shall cause or allow the construction of any new emission source or any new air pollution control equipment, or cause or allow the modification of any existing emission source or air pollution control equipment without first obtaining a construction permit from the Illinois Environmental Protection Agency (IEPA), and lists exceptions not relevant here.
6. IPCB Rule 103(b)(1) [35 IAC § 201.143] states that no person shall cause or allow the operation of any new emission source or new air pollution control equipment, for which a construction permit is required, without first obtaining an operating permit from the IEPA.
7. IPCB Rule 101 [35 IAC § 201.102] defines “air contaminant” as any solid, liquid or gaseous matter, any odor or any form of energy, that is capable of being released into the atmosphere from an emission source.
8. IPCB Rule 101 [35 IAC § 201.102] defines “construction” as commencement of on-site fabrication, erection or installation of an emission source or of air pollution control equipment.
9. IPCB Rule 101 [35 IAC § 201.102] defines “emission source” as any equipment or facility of a type capable of emitting specified air contaminants to the atmosphere.
10. IPCB Rule 101 [35 IAC § 201.102] defines a “new emission source” as any emission source that commences construction or modification on or after April 14, 1972.
11. IPCB Rule 101 [35 IAC § 201.102] defines “modification” as any physical change in, or change in the method of operations, of an emission source or of air pollution control equipment which increases the amount of any specified air contaminant emitted by such source or equipment or which results in the emission of any specified air contaminant not previously emitted. It shall be presumed that an increase in the use of raw materials, the time of operation or the rate of production will change the amount of any specified air contaminant emitted.

Factual and Legal Background

12. Rubschlager owns and operates a bakery located at 3220 West Grand Avenue, Chicago, Illinois (the bakery).
13. The bakery operates raw material storage silos equipped with a pneumatic conveyance system, three dough mixers, dough proofing equipment, three bread manufacturing lines, coolers, freezers, bread slicing units and packaging areas (bakery equipment).
14. Rubschlager’s bakery equipment emit volatile organic materials (VOM), including ethanol, into the atmosphere.
15. VOM, including ethanol, are air contaminants.
16. Rubschlager’s bakery equipment are emission sources.

17. Between 1974 and 1977, Rubschlager installed a moisture and temperature controlled dough proofing box for its cocktail rye bread line at the bakery.

18. In 1981, Rubschlager installed dough mixing equipment at the bakery.

19. In 1983, Rubschlager automated its bakery operations to use mechanically operated manufacturing equipment, product cooling, and conveyance systems.

20. In 2000, Rubschlager replaced existing reciprocating slicers with faster band slicers.

21. By installing a moisture and temperature controlled dough proofing box, installing dough mixing equipment, and automating bakery operations to use mechanically operated manufacturing equipment, product cooling, and conveyance systems, Rubschlager increased its use of raw materials and its rate of production.

22. By making the physical changes to its equipment and changing its method of operations as identified in paragraphs 17 through 20, Rubschlager increased the emission of VOM, including ethanol, into the atmosphere, and therefore made modifications to its existing emission sources.

23. Pursuant to IPCB Rule 101 [IAC § 201.102], modified emission units are considered "new emission sources."

24. In 1990, a roll and sandwich bread line was installed. This included the following: the installation of a dough divider for the new line; the installation of an approximately 100 ft long Baker Perkins tunnel oven; and other ancillary equipment.

25. By installing a new bread manufacturing line, Rubschlager has constructed a "new emission source."

26. As an owner and operator of "new emission sources," Rubschlager is subject to the construction permit requirements of IPCB Rule 103(a)(1) [35 IAC § 201.142].

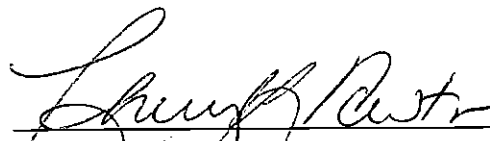
27. As an owner and operator of "new emission sources," Rubschlager is subject to the operating permit requirements of IPCB Rule 103(b)(1) [35 IAC § 201.143].

Violations

28. Rubschlager failed to obtain construction permits prior to modifying its existing emission sources and prior to constructing new emission sources in violation of Rule 103(a)(1) [35 IAC § 201.142] of the Illinois SIP and Section 110 of the CAA, 42 U.S.C. § 7410.

29. Rubschlager failed to obtain operating permits for its new emission sources in violation of Rule 103(b)(1) [35 IAC § 201.143] of the Illinois SIP and Section 110 of the CAA, 42 U.S.C. § 7410.

1/14/11
Date


Cheryl L. Newton
Director
Air and Radiation Division

CERTIFICATE OF MAILING

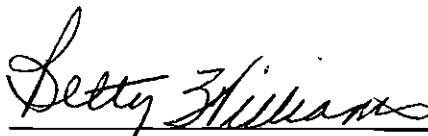
I, Betty Williams, do hereby certify that a Notice of Violation of the Clean Air Act was sent
by Certified Mail, Return Receipt Requested, to:

Tom McGlade, President & CEO
Rubschlager Baking Corporation
3220 West Grand Avenue
Chicago, Illinois 60651

I also certify that I sent copies of the Request for Information by first class mail to:

Ray Pilapil, Manager
Bureau of Air
Compliance and Enforcement Section
Illinois Environmental Protection Agency
1021 North Grand Avenue East
Springfield, Illinois 62702

on the 18th day of January, 2011.



Betty Williams
Administrative Program Assistant
Planning And Administration Section

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0005 8915 9990